

Conferring With a Prosecutor Scenario

- Review scenario at your table.
- Come up with a "Best Practice."
- Explain why you chose this option.
- Choose someone to report to the group.



Additional Ideas

- Advocate's first conversation with victim should include reasonable expectations
 - i.e. About plea – what it will look like, why it could be good, range of sentence, etc.
- Find out the victim's main concern and communicate that to attorney BEFORE victim speaks to attorney.
- Offer the attorney suggestions on how to best approach the conversation with the victim.
- Document!

Failure to Comply – A.R.S. §§ 13-4436 & 8-415

- What is It?
 - Reexamination proceeding can be requested for noncompliance within 10 days of the proceeding at which the victims' right was denied.
 - Does not include the right to set aside a conviction.
 - Occurs within 30 days of notice.



Failure to Comply



- Why it's Important
 - Mistakes are made inadvertently in complex systems, it's what you do after that counts!
 - Provides the victim another opportunity.
 - Right thing to do.
 - It's the law.

Failure to Comply

- What is the problem?
 - Victim may not have opportunity to be heard or have wishes considered.
 - Could affect victim financially if restitution is not ordered.
 - Could cause safety concerns – i.e. victim not opted in to be notified of release or dismissal.
 - Could cause agency to receive a victims' rights violation from the AG's Office.

Failure to Comply Scenario



- Review scenario at your table.
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Additional Ideas

- Be proactive and speak up in court or to the prosecutor at the hearing if you believe the victim has not been notified or consulted.
- Know the legal options so victim doesn't have to go through a formal process.
 - i.e. Find out if fines can be converted if restitution not ordered.
- Know victim's main goal and ensure it's addressed.
- Apologize – Sincerely admitting mistake can go a long way in repairing damage.

Lawful Representation – ARS. §§ 13-4403 & 8-384

- What is it?
 - The lawful representative receives all rights and can speak for a minor, incapacitated, vulnerable adult, or deceased victim.
 - List of criteria in subsection D that is considered in appointment of representative.

Lawful Representative



- Why is it important?
 - This exercises rights on behalf of the victim.
 - All financial requests, notices, and emotional support go through the Lawful Representative.

Lawful Representative



- What is the problem?
 - Multiple requests for representatives for one victim (who may have different ideas).
 - Victims on cases that are not charged.
 - Multiple victims on one case with differing interests.

Lawful Representative Scenario



- Review scenario at your table.
- Come up with a "Best Practice."
- Explain why you chose this option.
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Additional Ideas

- Know your office policies.
- Discuss the concerns and preferences with the assigned prosecutor.
- If available, think of assigning multiple advocates to represent all interests.
- See if family will agree on one representative that funnels the information.

Courtroom Safety A.R.S. §§ 13-4431 & 8-410

- What is it?
 - Provide safeguards before, during, and immediately after any court proceeding.
 - Court is responsible, but likely falls on advocate to coordinate.



Courtroom Safety

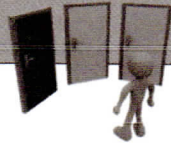


- Why is it important?
 - Victim is already nervous - safety shouldn't be a concern.
 - If victim's safety is addressed, it helps everyone – court staff, advocate, attorneys, etc.

Courtroom Safety

- What is the problem?
 - Defendants and families may try to intimidate victim.
 - Sometimes conflict exists among victim's friends and family members.
 - Could result in a mistrial.
 - Could affect testimony – if victim is scared, testimony may be minimized.
 - Life goes on after trial – court may be one day for you, but could affect victim's entire future.

Courtroom Safety Scenario



- Review scenario at your table.
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Additional Ideas

- Have judge delay defendant after trial so victim can leave safely.
- Meet somewhere other than courtroom.
- Have separate meeting areas away from courtroom if necessary.
- Have advocate attend trial and leave victim in waiting room to minimize contact with defendant.
- Advocate can report back to victim.
- Alert police or court security if necessary.

Wrap Up

- Know the statutes - don't rely on prosecutors to have all the answers.
- Additional Victims' Rights Training - www.azag.gov
- Contact Victim Services at the Arizona Attorney General's Office. We are there to help.
 - Kirstin Flores - kirstin.flores@azag.gov
 - Director
 - Colette Chapman - colette.chapman@azag.gov
 - Victims' Rights Enforcement Officer
 - Amy Bocks - amy.bocks@azag.gov
 - Advocate Program Manager
 - Kennesha Jackson - kennesha.jackson@azag.gov
 - State Victims' Rights Administrator - Lead Funder
 - Erin Yabu - erin.yabu@azag.gov
 - State Victims' Rights Administrator - Lead Trainer
